

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

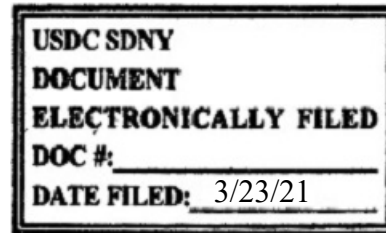
THERESE PESCE,

Plaintiff,

-against-

MENDES & MOUNT, LLP, et al.,

Defendants.



19-CV-4922 (JPO) (BCM)

**ORDER SCHEDULING CONTINUED
SETTLEMENT CONFERENCE**

BARBARA MOSES, United States Magistrate Judge.

The Court will conduct a continued telephonic settlement conference on **April 27, 2021, at 2:15 p.m.** Prior to the conference:

1. The parties shall promptly exchange their initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1). As part of that exchange, defendants shall produce all written performance reviews and/or disciplinary materials regarding plaintiff since 2013, and any non-privileged documents demonstrating that the concerns animating her 2018 performance improvement plan predated her EEOC complaint. If plaintiff intends to seek emotional distress damages, she must produce, as part of the Rule 26(a)(1) exchange, copies of her mental health records since 2013, as well as HIPAA-compliant releases for each mental health provider during that period. Plaintiff shall also comply with Rule 26(a)(1)(A)(iii), regarding damages.
2. After exchanging their initial disclosures, counsel shall meet and confer in good faith and in "real time" (e.g., by telephone or videoconference) for a minimum of 30 minutes, during which they must discuss both liability and damages, and exchange at least one good faith settlement demand and offer informed by the Rule 26(a)(1) disclosures and their good-faith discussion.

3. After meeting and conferring, each party shall submit a confidential settlement update letter by email to Moses_NYSDChambers@nysd.uscourts.gov, limited to two pages, which certifies that they complied with (1) and (2) above, advises the Court as to their revised settlement positions, and informs the Court of any other information relevant to settlement that was not included in their original letters.

All other provisions in the Court's Order Scheduling Settlement Conference dated February 22, 2021 (Dkt. No. 41), remain in effect, including the attendance requirements.

Dated: New York, New York
March 23, 2021

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge